

#8

Applicant(s)	Michael J. Geile et al.	<u>RENEWED PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY</u>
Serial No.	09/901,374	
Filing Date	July 9, 2001	
Group Art Unit	2684	
Examiner Name	W. Cumming	
Attorney Docket No.	100.070US26	
Title: DYNAMIC ALLOCATION OF TRANSMISSION BANDWIDTH IN A COMMUNICATION SYSTEM		

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED

AUG 14 2003

PETITIONS OFFICE

APPLICANT HEREBY PETITIONS FOR AN UNINTENTIONALLY DELAYED
CLAIM FOR PRIORITY UNDER 37 CFR §1.78(A)(3).

This is a renewed petition to accept an unintentionally delayed claim for priority in
response to the dismissal of a petition filed on 31 July 2002.

A grantable petition requires the following items:

*(1) The reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed
application, unless previously submitted;*

Claim of Priority

Applicant has submitted herewith a Substitute Amendment and Response that
includes an amendment to the specification containing the reference required by 35
U.S.C. §120 and 37 CFR 1.78(a)(2)(i) of the prior applications.

When filing the present application on July 9, 2001 Applicant provided a signed
Declaration/Power of Attorney indicating proper claim of priority under 35 U.S.C. §120
to US Application No. 08/364,659 (priority application '659) filed on February 6, 1995.
In a cross reference to related cases paragraph on the first page of the present application
Applicant unintentionally referred to priority application '659 as a related application
instead of a continuation-in-part application priority application. Further, Applicant

RENEWED PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY PAGE 2
Serial No. 09/901,374 Attorney Docket No. 100.070US26
Filing Date: July 9, 2001
Title: DYNAMIC ALLOCATION OF TRANSMISSION BANDWIDTH IN A COMMUNICATION
SYSTEM

unintentionally omitted priority to U.S. Patent 6,334,219 (Application Serial No. 08/673,002) issued December 25, 2001. As a result Applicant is submitting this petition to claim priority to application '659 and U.S. Patent 6,334,219.

(2) The surcharge set for in § 1.17(t);

Applicant previously paid \$1,280.00 for acceptance of this unintentionally delayed claim for priority, as set forth in § 1.17(t) on July 31, 2003. The Commission for Patents is hereby authorized to charge \$20.00 to Deposit Account No. 502432 to cover the additional fee set forth in § 1.17(t) as it is now \$1,300.00. Please charge any additional fees or credit any overpayment, to Deposit Account No. 502432.

(3) A statement that the entire delay between the date the claims was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Applicant unintentionally omitted a reference to priority application '659 and U.S. Patent 6,334,219 and Applicant attests that the delay between the date the claim was due under 37 C.F.R. 1.78(a)(2) or (a)(5) and the date of this petition was unintentional.

Cross-reference to Related Applications

The Decision on Petition mailed on April 23, 2003 states that the Amendment of 27 June 2002 fails to state the relationship of Application Nos. 08/311,964 filed 9/26/94 (abandoned), 08/455,340 filed 5/31/95 (abandoned), 08/455,059 filed 5/31/95 (abandoned), 08/457,294 filed 6/1/95 (abandoned), 08/457,110 filed 6/1/95 (abandoned), 08/456,871 filed 6/1/95 (abandoned), 08/457,022 filed 6/1/95 (abandoned), and 08/457,037 filed 6/1/95 (abandoned) to the instant application. These applications are not being relied upon for a claim of priority but are being cross-referenced to the current application. Under 37 CFR §1.78(a)(2)(i) the Applicant is including a cross-reference to other related applications when appropriate.¹

RENEWED PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY

PAGE 3

Serial No. 09/901,374

Attorney Docket No. 100.070US26

Filing Date: July 9, 2001

Title: DYNAMIC ALLOCATION OF TRANSMISSION BANDWIDTH IN A COMMUNICATION SYSTEM

¹Any Nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS)) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. *Cross references to other related applications may be made when appropriate.* (see §1.14)

Incorporation by Reference

Another issue addressed in the Decision on Petition mailed on April 23, 2003 stated that the Amendment of June 27, 2002 is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. As discussed above, Applicant has submitted a Substitute Amendment herewith that includes an amendment to the specification and Applicant believes a correct incorporation by reference.

The following U.S. Applications:

Nos. 08/650,408 filed 5/20/96 (formerly Atty Docket #500.615US1)(abandoned)
08/311,964 filed 9/26/94 (abandoned),
08/457,295 filed 6/1/95 (abandoned),
08/457,317 filed 6/1/95 (abandoned),
08/384,659 filed 2/6/95 (abandoned),
08/455,340 filed 5/31/95 (abandoned),
08/455,059 filed 5/31/95 (abandoned),
08/457,294 filed 6/1/95 (abandoned),
08/457,110 filed 6/1/95 (abandoned),
08/456,871 filed 6/1/95 (abandoned),
08/457,022 filed 6/1/95 (abandoned), and
08/457,037 filed 6/1/95 (abandoned), are being incorporated by reference into the current application.

RENEWED PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY PAGE 4
Serial No. 09/901,374 Attorney Docket No. 100.070US26
Filing Date: July 9, 2001
Title: DYNAMIC ALLOCATION OF TRANSMISSION BANDWIDTH IN A COMMUNICATION
SYSTEM

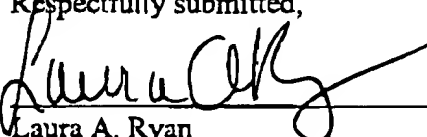
For support the Applicant refers the Examiner to the Cross-Reference to Related Applications paragraph on Page 1 of the current Application as filed on July 9, 2001 (a copy of page 1 is included for the Examiner's convenience). Each of the above listed applications were included in the specification-as-filed and as a result the incorporation by reference statement is effective for these applications.

Conclusion

Applicant respectfully requests acknowledgement of the acceptance of this renewed petition and corrected claim of priority. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Date: 14 August 2003

Respectfully submitted,



Laura A. Ryan
Reg. No. 49,055

Attorneys for Applicant
Fogg and Associates, LLC
P.O. Box 581339
Minneapolis, MN 55458-1339
Phone: (612) 332-4720
Fax: (612) 677-3553

COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT

Cross Reference to Related Cases

This application is a continuation-in-part of U.S. Application Serial Nos. 1 (Atty Docket #500.615US1), 08/311964, 08/457295, and 08/457317, which applications are incorporated by reference. This application is related to U.S. Application Serial Nos. 08/384659, 08/455340, 08/455059, 08/457294, 08/457110, 08/456871, 08/457022, and 08/457037, which applications are incorporated by reference.

Field of the Invention

The present invention relates generally to the field of communication systems. More particularly, the present invention relates to communication systems with multicarrier telephony transport.

Background of the Invention

Two information services found in households and businesses today include television, or video, services and telephone services. Another information service involves digital data transfer which is most frequently accomplished using a modem connected to a telephone service. All further references to telephony herein shall include both telephone services and digital data transfer services.

Characteristics of telephony and video signals are different and therefore telephony and video networks are designed differently as well. For example, telephony information occupies a relatively narrow band when compared to the bandwidth for video signals. In addition, telephony signals are low frequency whereas NTSC standard video signals are transmitted at carrier frequencies greater than 50 MHz. Accordingly, telephone transmission networks are relatively narrow band systems which operate at audio frequencies and which typically serve the

Applicant(s)	Michael J. Geile et al.	<u>REPLACEMENT AMENDMENT AND RESPONSE</u> <u>UNDER 35 U.S.C. § 1.111</u>
Serial No.	09/901,374	
Filing Date	July 9, 2001	
Group Art Unit	2681	
Examiner Name	W. Cumming	
Attorney Docket No.	100.070US26	
Title: DYNAMIC ALLOCATION OF TRANSMISSION BANDWIDTH IN A COMMUNICATION SYSTEM		

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

In response to a Notice of Non-Responsive Amendment mailed on July 12, 2002 please replace the Amendment and Response filed on June 27, 2002 with this replacement Amendment and Response.

IN THE DRAWINGS

The Examiner objected to Figures 41-46 stating that they do not have number elements tying them to the written specification. In response to the Examiner's objection Applicant proposes amendments to Figures 41-46. Marked-up copies of Figures 41-46 are included for the Examiner's review. Applicant thus respectfully requests that the Examiner approve the proposed changes to Figures 41-46 and formal drawings will be submitted upon the Examiner's approval of the proposed changes.

Applicant	Geile et al.	FACSIMILE TRANSMITTAL FORM (LARGE ENTITY)
Serial No.	09/901,374	
Filing Date	July 9, 2001	
Group Art Unit	2681	
Examiner Name	W. Cumming	
Attorney Docket No.	100.070US26	
Title: DYNAMIC ALLOCATION OF TRANSMISSION BANDWIDTH IN A COMMUNICATION SYSTEM		

TOTAL PAGES: 27 pgs. (including fax transmittal sheet)

Office of Petitions FAX - (703) 308-6916

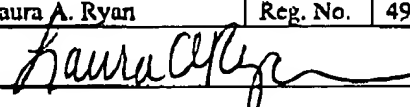
Attention: Karen Creasy

FAX RECEIVED

AUG 14 2003

PETITIONS OFFICE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosures					
The following documents are enclosed:					
<input checked="" type="checkbox"/> Renewed Petition to accept an Unintentionally Delayed Claim for Priority (4 pgs)					
<input checked="" type="checkbox"/> Replacement Amendment and Response Under 37 CFR 1.111 (11 pgs.)					
<input checked="" type="checkbox"/> Copy of previously filed Declaration and Power of Attorney (8 pgs.)					
<input checked="" type="checkbox"/> Marked-up copies of Figures 41-46 (3 pgs.)					
<input checked="" type="checkbox"/> Copy of page 1 of Application as filed on July 9, 2001. (1 pg.)					
Please charge \$20.00 to cover the additional petition fee and any fees or credit any overpayments to Deposit Account No. 502432.					
CUSTOMER NO. 34206					
Submitted By					
Name	Laura A. Ryan	Reg. No.	49,055	Telephone	(612) 332-4720
Signature				Date	August 14, 2003
Attorneys for Applicant Fogg and Associates, LLC P.O. Box 581339 Minneapolis, MN 55458-1339 T: 612-332-4720 F: 612-677-3553					
Certificate of Transmission					
I certify that this correspondence, and the documents identified above, are being transmitted by facsimile to Office of Petitions, Attn: Karen Creasy (703-308-6916) of the United States Patent and Trademark Office on August 14, 2003					
Name	Jane E. Sagers	Signature	